

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELMA HENDERSON,

Plaintiff,

v.

THOMAS ROBERT HUGHES, et al,

Defendants.

Case No. 2:16-cv-01837-JAD-CWH

ORDER

Presently before the Court are Defendants Odin Statutory Trust (OST) and Northstar Global BT's (Northstar) motions to quash (ECF Nos. 55 and 58), filed on October 28, 2016. Plaintiff filed a response (ECF No. 59) on November 1, 2016. Defendants did not file a reply.

Also before the Court are Defendants Bob Creek Trust (BCT) and Colindo Trust's (Colindo) motions to quash (ECF Nos. 62 and 64), filed on November 4, 2016. Plaintiff filed a response (ECF No. 72) on November 11, 2016. Defendants filed replies (ECF Nos. 78 and 79) on November 23, 2016.

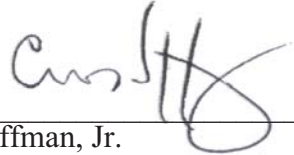
In each motion, Defendants allege service was invalid for failure to properly name them in the caption of the summons and complaint. In response, Plaintiff argues that it validly served Defendants through service on Thomas Robert Hughes (trustee of OST and Northstar) and Frank Finnerty (trustee of BCT and Colindo) in their representative capacities.

Defendants do not argue that Hughes and Finnerty were not personally served, and they acknowledge that Hughes and Finnerty are trustees of the respective named trusts. Both parties appear to agree that Nevada law for service of process controls for these Defendants. As such, for this case, a claim "may be asserted against [a] trust by proceeding against the trustee in the capacity of representative, whether or not the trustee is personally liable on the claim." NRS 163.120(1). Therefore, it is not relevant whether any claims have been asserted against Hughes or Finnerty personally. Further, the effectiveness of service does not depend on whether Plaintiff's claims are

1 against the named trusts, or rather Finnerty and Hughes in their representative capacities of the trusts.
2 Plaintiff's service of Defendants was therefore valid.

3 IT IS THEREFORE ORDERED that Defendants' motions to quash (ECF Nos. 55, 58, 62,
4 and 64) are DENIED.

5 DATED: February 1, 2017.

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C.W. Hoffman, Jr.
United States Magistrate Judge